

January 21, 2020

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

REPORT AND DECISION

SUBJECT: Department of Local Services file no. **PLAT180008**
Proposed ordinance no.: **2019-0466**

STAFFORD MEADOWS
Preliminary Plat Application

Location: 4015 S 280th Street, Auburn

Applicant: Cary Lang
represented by **Duana Kolouskova**
11201 SE 8th Street Suite 120
Bellevue, WA 98004
Telephone: (425) 467-9966
Email: kolouskova@jmmlaw.com

King County: Department of Local Services
represented by **Kevin LeClair**
Department of Local Services
35030 SE Douglas Street Suite 210
Snoqualmie, WA 98065
Telephone: (206) 477-2717
Email: kevin.leclair@kingcounty.gov

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:

Approve subject to conditions

Department's Final Recommendation:

Approve subject to conditions

Examiner's Decision:

Approve subject to conditions

EXAMINER PROCEEDINGS:

Hearing Opened: 1/9/2020
Hearing Closed: 1/9/2020

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner’s Office.

FINDINGS OF FACT:**Overview**

1. The proposal is a 25-lot plat on two parcels totaling 4.78 acres in the R-4 zone in the urban area (Property). The Applicant seeks to exceed the base density of 19 dwelling units by utilizing 3 rural Transfer of Development Rights (TDRs). The Department of Local Services (Department) recommends approval, with conditions. Neighbors participated actively at the January 9, 2020 hearing and provided informed perspectives on density, wildlife displacement, safe walking conditions for students who walk to school, drainage, and public safety issues related primarily to congestion on S. 280th St. and its intersection with 42nd Ave. S. during the morning drop-off and afternoon pickup of students at Valhalla Elementary School, which is located directly across S. 280th St. from the proposed plat, and concerns that adding to this congestion could impede emergency vehicle access. After hearing the witnesses’ testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the arguments and the relevant law, the Examiner approves the preliminary plat.
2. The responsible official issued a threshold Determination of Non-Significance (DNS) on October 28, 2019. Star Lake Glen Homeowners’ Association timely appealed the DNS. *See*, December 18, 2019 Pre-Hearing Order and Notice of Consolidated Hearings (Pre-Hearing Order).
3. As required by KCC 20.44.120.B, the Examiner consolidated the SEPA appeal with the public hearing on the preliminary plat. In a companion decision issued today, the Examiner denied the SEPA appeal. Much of the expert testimony offered by the Applicant and Department allowed the Examiner to consider the impacts of the additional 6 dwelling units sought to be achieved through use of TDRs, discussed below under “Density.” Rather than have these witnesses repeat their testimony at the plat hearing, the Examiner considered the testimony they offered at the SEPA hearing.
4. Except as modified herein, facts set forth in the Department’s report to the Examiner, Ex 2, and the testimony offered by the Department are found to be correct and are incorporated herein by reference.

Density

5. The main thrust of the Examiner’s inquiry and the neighbors’ concern is the use of TDRs to achieve greater than the base density allowed in the R-4 zone. Neighbors were concerned with impacts the additional 6 dwelling units might generate. The Examiner’s concern was with the adequacy of the analysis of impacts provided in the Department’s report. The proposed plat is a formal subdivision. In contrast to short subdivisions where TDRs may be employed to achieve the maximum density permitted, for formal subdivisions, a receiving site may accept TDR’s “only as authorized in a subarea study that includes a comprehensive analysis of the impacts of receiving development rights.” KCC 21A.37.030.C.2.
6. The Department’s report, Ex. 2, states that it constitutes the required subarea study for the use of TDRs. Ex. 2, Section J. However, the report simply sets out 4 Growth Management Act goals (goals 1, 2, 9 and 10 relating to encouraging urban growth in urban areas, reducing sprawl, retaining open space, enhancing recreational opportunities, conserving fish and wildlife habitat, and protecting the environment) and one Comprehensive Plan (Comp Plan) policy. It provides no analysis of the impacts of the additional 6 lots.
7. As the Examiner observed at the hearing, the cited GMA goals and Comp Plan policy would support the use of TDRs in *any* formal subdivision located in the urban area that complies with the critical areas regulations. The Department’s report in and of itself does not constitute the required subarea study because it does not provide a comprehensive analysis of the impacts of receiving development rights. However, after careful consideration of the full record developed during the SEPA hearing and the preliminary plat hearing, the Examiner concludes that the full record provides the required comprehensive analysis supporting use of 3 rural TDRs to achieve an additional 6 dwelling units.
 - A. The preliminary plat provides the standard buffer of 187.5 feet for the off-site, Category I wetland.
 - B. Although the critical areas regulations allow a buffer reduction of up to 25% in the urban area under certain circumstances, the Applicant did not request a buffer reduction.
 - C. The preliminary plat complies with the County’s critical area regulations.
 - D. The placement of Tract E adjacent to the wetland buffer will further reduce some of the potential plat impacts, including potential disturbance from lights, noise, and pets and human activity. *See* KCC 21A.24.325.A.3. In addition, as retained and newly planted trees grow, the perimeter of Tract E will eventually provide additional forested buffer. Ex. 8, Sheet 6. Testimony of John Everett.

- E. The grading plan for the preliminary plat would be the same whether it included 19 lots (the base density) or 25 lots (the density achieved with use of TDRs). Testimony of John Everett.
- F. The volume of traffic on S. 280th is low for a two-lane road. Testimony of Edward Koltonowski.
- G. Neither S. 280th in the vicinity of the proposed plat nor the intersection of 42nd Ave S./S. 280th Street is classified as a high collision location. Testimony of Robert Eichelsdoerfer.
- H. Washington State Department of Transportation (WSDOT) accident data for the 5-year period 2015-2019 indicate no collisions on S. 280th Street between 40th Ave. S. and 42nd Ave. S. and one collision in the section of 42nd Ave. S. along the Valhalla Elementary School frontage. Testimony of Robert Eichelsdoerfer.
- I. The 6 dwelling units proposed to be achieved through use of TDRs would generate 1-2 trips during the peak hours of the Valhalla Elementary school. Testimony of Edward Koltonowski. This number of trips would not be noticeable as traffic varies us up to 10% on any given day. Testimony of Edward Koltonowski.

Safe Walking Conditions

- 8. To approve a preliminary plat, the Examiner must find that appropriate provisions are made for sidewalks and other planning features that assure safe walking conditions for students who walk to and from school. RCW 58.17.110; KCC 20.22.180.A. This Examiner has consistently found that this requirement applies not only to students who walk the entire route to school, but also those who walk to school bus stops.
- 9. The Federal Way School District originally advised that students attending Valhalla Elementary School will walk to school; students attending Totem Middle School and Thomas Jefferson High School will be bused from a bus stop at the intersection of S. 280th St./40th Ave. S. Ex. 2. In November 2019, the School District advised the Department that students attending Thomas Jefferson High School will walk to school; students attending Totem Middle School will be bused from a bus stop on the southeast corner of the intersection of 42th Ave. S./Star Lake Road. Ex. 20. Walking routes to the schools are depicted on Ex.21.
- 10. All students would have to walk east from the plat entrance to reach the Elementary and High Schools and the Middle School bus stop. Currently, there are no sidewalks or separated shoulder on the south side of S. 280th Street. The preliminary plat would provide frontage improvements including a 5-foot sidewalk along its frontage. Ex. 2; Ex. 8, Sheet 4. However, until the sidewalk is extended to the east (likely from redeveloped

of properties to the east), the new sidewalk will not provide a safe walking route to any of the schools.

11. A sidewalk exists on the north side of S. 280th St. from intersection of the western leg of the school bus loop on the Valhalla Elementary School property with S. 280th St. to 42nd Ave. S. The Applicant proposes a crosswalk to the western side of the western leg of the school bus loop that will allow students to reach the sidewalk on the north side of S. 280th Street. Ex. 8, Sheet 4. The proposed location of the crosswalk is approximate. To permit installation of this crosswalk, the Roads Division, Traffic Operations Section must determine that it meets warrants. Testimony of Robert Eichelsdoerfer. The Traffic Operations Section will take into account the location of the schools, the need for safe walking routes, adjacent driveways, and other factors both in determining whether warrants are met and in locating an approved crosswalk if they are met. The Examiner urges the Traffic Operations Section to approve the crosswalk allowing students to safely cross S. 280th St. to reach the sidewalk on the north side of the street.
12. The School District evaluates bus stops annually as student transportation needs change. Ex. 20.

CONCLUSIONS OF LAW:

1. Other than the use of TDRs in a formal subdivision and the lack of certainty regarding whether the Traffic Operations Section will approve the proposed crosswalk, the proposed subdivision is relatively small and straightforward. As conditioned below, it will conform to applicable land use requirements.
2. The Applicant has done everything within its power to make appropriate provisions for students who walk to school or school bus stops. The Examiner has not imposed a condition requiring the crosswalk, as that would put the Applicant in the position of being unable to comply if the Traffic Operations Section does not approve the proposed crosswalk. Further, as found above and the history of this preliminary plat demonstrates, school bus stop locations are subject to change.
3. If approved subject to the conditions below, the proposed subdivision will make appropriate provisions for the topical items enumerated in RCW 58.17.110 and KCC 20.22.180, and will serve the public health, safety and welfare, and the public use and interest.
4. The conditions for final plat approval set forth below are reasonable requirements and in the public interest. The Examiner has wordsmithed a few of the conditions carried over from the Department's report. She has made no substantive revisions or additions.

DECISION:

The preliminary plat of Stafford Meadows, is approved subject to the following conditions of approval:

1. Compliance with all platting provisions of Title 19A of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication that includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the density requirements of the R-4 zone classifications. All lots shall meet the minimum dimensional requirements of the R-4 zone classification or as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Local Services – Permitting Division (DLS – Permitting) in accordance with KCC 19A.12.030.
4. All construction and upgrading of public and private roads shall be done in accordance with the 2016 King County Road Design and Construction Standards (KCRDCS) established and adopted by Ordinance 18420, as amended.
5. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code as follows:
 - A. Any future residences are required to be equipped with fire sprinklers per NFPA 13D. Title 17 of the King County Code requires that a fire hydrant supplying at least 1,000 gpm be located within 350 feet vehicular travel distance of the building envelope of each lot. Additionally, section 503 of the International Fire Code (IFC) requires all portions of the exterior walls of buildings (at grade) to be within 150-feet (as a person would walk via an approved route around the building) from an approved minimum 20-foot wide, unobstructed fire apparatus access. If all requirements above are met the requirement to install fire sprinklers may be removed by the King County Fire Marshal or his/her designee.
 - B. The Fire Code requires all portions of the exterior walls of structures to be within 150-feet (as a person would walk via an approved route around the building) to qualify for removal of the fire sprinkler requirement the driving surface of the fire apparatus access has to be a minimum of 20-foot wide, 28-feet in width if parking is permitted on one side of the roadway, and at least 36-feet in width if parking is permitted on both sides, fire hydrants shall meet the requirements of K.C.C. Title 17 and Fire Flow meet 1,000 gpm at 20 psi.

C. Fire Access Roads:

- Minimum 20-feet wide unobstructed – with 13'6" vertical clearance.
- Fire apparatus access roads shall be designed and maintained to support the imposed loads of 25 tons, or as required by the Fire Marshal and shall be provided with a surface that will provide all-weather driving capabilities that comply with K.C.C. chapter 14.42, King County Road Standards.
- Dead-end fire apparatus access roads, including temporary turnarounds in excess of 150 feet in length shall be provided with an approved cul-de-sac having a minimum 80-foot diameter, in King County Administrative Rule for Chapter 17-04 or other designs approved by the Fire Marshal.
- Fire access roads must provide 20-foot minimum inside turning radius and 40-foot outside turning radius when said roads change direction.
- Fire apparatus access roads shall not exceed 15% grade, or the grade set forth in the King County road standards.
- Fire access roads shall not include curbs to meet the 20-foot minimum width.
- Joint Use Driveways shall be a minimum of 20-feet in width and paved.
- Joint Use Driveways shall not exceed 150 feet.
- The required width of any fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under this section shall be maintained at all times.
- Roads shall be all weather surface capable of supporting 25-ton, HS-20. Any proposed detention/infiltration vault that may be built under the Fire Apparatus access road shall be capable of supporting HS-20.
- Any gates on fire access lanes must open to an unobstructed width of 20-feet and any locking device or opening system shall be approved by the Fire District.

D. Fire Lane Markings:

- Approved signs or other approved markings shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.
- Obstruction of Fire Lanes Prohibited. The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited and shall constitute a traffic hazard as defined in state law and an immediate hazard to life and property.

E. Fire Hydrants:

- Fire Hydrant locations shall be approved by King County Fire Marshal Services prior to installation. Private Hydrants shall be installed and tested by King County Fire Marshal Services per K.C.C. Title 17 and AWWA standards.
- Combustible construction may not start until all hydrants have been permitted, inspected and approved.

- Note: Any watermain or fire hydrant details on building plans/drawings have not been reviewed or approved by King County Fire Marshal Services.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in K.C.C. 9.04 and the 2016 King County Surface Water Design Manual (KCSWDM) must also be satisfied during engineering and final review.
- A. Drainage plans and analysis shall comply with the KCSWDM and applicable updates adopted by King County. DLS - Permitting approval of the drainage and roadway plans is required prior to any construction.
 - B. Current standard plan notes and ESC notes, as established by DLS - Permitting Engineering Review, shall be shown on the engineering plans.
 - C. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # (DLS – Permitting-issued plan record number to be inserted in space provided) on file with DLS - Permitting and/or the King County Road Services Division. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
 - D. The storm drainage conveyance system along the public roadways shall be designed per requirements of the KCSWDM.
 - E. The drainage facilities shall meet the requirements of the KCSWDM. The site is subject to the Conservation Flow Control and Basic Water Quality requirements in the KCSWDM. A level 2 flow control is required for the on-site basin to address downstream drainage problems.
 - F. The detention facilities shall meet the design requirements in Section 5.1 of KCSWDM. Access roads are required to the control structure, and other drainage structures associated with the pond, and shall be designed per section 5.1.1.

- G. Retaining walls that are over 4-feet in height measured from the bottom of the footing to the top of the retaining wall shall be designed by a licensed structural engineer.
- H. To implement the required Best Management Practices (BMPs) for treatment of storm water, the final engineering plans and technical information report (TIR) shall clearly demonstrate compliance with all applicable design standards. The requirements for best management practices are outlined in Section 1.2.9 of the 2016 KCSWDM. The design engineer shall address the applicable requirements on the final engineering plans and provide all necessary documents for implementation. The final recorded plat shall include all required covenants, easements, notes, and other details to implement the required BMPs for site development.

The required BMPs shall also be shown on the individual residential building permit applications upon submittal of the permits. The individual building permit applications shall also include the required covenants, easements, notes and other details to implement the BMP design.

- 7. The proposed subdivision shall comply with the 2016 KCRDCS, including the following requirements:
 - A. The proposed frontage improvements of S. 280th Street shall be improved at a minimum to the urban neighborhood collector standards with concrete curb, gutter, and sidewalks on the project side.
 - B. Road 'A' shall be constructed at a minimum to the urban subaccess street standards with curb, gutter and sidewalks on both sides.
 - C. The Private Access Tract's (PAT's) shall be designed and constructed per Section 2.09 of the KCRDCS.
 - D. Prior to final plat recording, KCRDCS roadway improvements shall be provided to serve the 25 new lots.
 - E. Modifications to the above road conditions may be considered according to the variance provisions in Section 1.12 of the KCRDCS.
- 8. Critical Areas: The proposed subdivision shall comply with the Critical Areas Code as outlined in KCC 21A.24. Impacts to critical areas shall be avoided where possible, and compensatory mitigation is required for approved adverse impacts. Preliminary plat review has identified the following specific requirements that apply to this project. All other applicable requirements from KCC 21A.24 shall also be addressed by the applicant.

- A. Wetland Category and Buffers (KCC 21A.24.325 and 21A.24.358): There is a Category I wetland (Wetland A) located off-site of the development site to the south/southeast. King County Code requires a standard 187.5-foot buffer from the wetland edge.
- B. Critical Areas Tract (KCC 21A.24.180). The wetland buffers for the off-site wetland shall be placed in a Critical Areas Tract to be shown on the engineering plans and final plat. The Critical Areas Tract shall be held in an undivided interest by each owner of a building lot within the development, with this ownership interest passing with the ownership of the lot, or shall be held by an incorporated homeowner’s association or other legal entity that ensures the ownership, maintenance and protection of the tract.
- C. A minimum building setback line of 15-feet shall be required from all edges of the buffer (KCC 21A.24.200).
- D. Permanent survey marking, wildlife passable fencing, and critical areas signs shall be installed prior to final plat approval (KCC 21A.24.160).
- E. Prior to any clearing and grading on the site, the tract/critical area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County. The required marking or flagging shall remain in place until all development proposal activities near the critical area are completed. Additional erosion and sedimentation control measures may also be required per the King County Surface Water Design Manual and Clearing and Grading regulations.
- F. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR CRITICAL AREA TRACTS AND CRITICAL
AREAS AND BUFFERS**

Dedication of a critical area tract/critical area and buffer conveys to the public a beneficial interest in the land within the tract/critical area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The critical area tract/critical area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/critical area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/critical area and buffer. The vegetation within the tract/critical area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the DLS – Permitting or its successor agency, unless otherwise provided by law.

The common boundary between the tract/critical area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a tract, or lot adjacent to the critical area tract/critical area and buffer. The required marking or flagging shall remain in place until all development proposal activities near the critical area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

9. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
10. Lots within this subdivision are subject to King County Code chapter 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to the recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
11. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children’s play equipment, picnic table[s], benches, etc.).
 - A. A detailed recreation space plan (i.e. area calculations, dimensions, landscape specifications, equipment specifications, etc.) shall be submitted for review and approval by DLS - Permitting concurrent with the submittal of the engineering plan.
 - B. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
12. A homeowners' association or other workable organization satisfactory to DLS – Permitting shall be established and shall provide for the ownership and continued maintenance of the recreation, open space and/or critical area tract(s).
13. Street trees shall be provided as follows (per KCRDCS 5.03 and KCC 21A.16.050):
 - A. Trees shall be planted at a rate of one tree for every 40-feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
 - B. Trees shall be located within the street right-of-way and planted in accordance with Section 5.03 and Drawings 5-009 through 5-013 of the KCRDCS, unless the King County Department of Local Services, Roads Division determines that trees

should not be located in the street right-of-way.

- C. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20-feet from the street right-of-way line.
 - D. The trees shall be owned and maintained by the abutting lot owners *or* the homeowner’s association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
 - E. The species of trees shall be approved by DLS - Permitting if located within the right-of-way, and shall comply with KCRDCS 5.03.L, M, and N. They shall not include species the County determines has the potential to disrupt utilities or impact roadway improvements. All tree planting in the right-of-way shall include the installation of an approved root barrier adjacent to walks and curbs for each tree, unless otherwise approved by the County Road Engineer.
 - F. The applicant shall submit a street tree plan and bond quantity worksheet for review and approval by DLS - Permitting prior to engineering plan approval (if required), or if engineering plans are not required, at the time of the required pre-construction meeting (see Condition 4 above).
 - G. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted and held for one year. After one year, the maintenance bond may be released after DLS - Permitting has completed a second inspection and determined that the trees have been kept healthy and thriving.
 - H. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
14. Due to the potential soil contamination from the Asarco smelter and as a result of comments from the Department of Ecology (Exhibit 20), the applicant, prior to site development approval, shall sample the soil and analyze for arsenic and lead following the 2012 Tacoma Smelter Plume Guidance. The soil sampling results shall be sent to Ecology for review. The results and further actions by applicant shall be consistent with the Model Toxics Control Act cleanup levels and process as provided for in chapter 173-340 WAC and further protocols issued by Department of Ecology, including any requirements for notification, further testing, remediation, or other precautions.
15. TDR (KCC Title 21A.37): Prior to final plat recording, the applicant shall provide TDR credits (certificate) of a receiving site development proposal which includes the use of

TDR development rights, the receiving site applicant shall deliver the TDR certificate issued in the applicant's name for the number of TDR development rights being used and the TDR extinguishment document to the County. If the TDR certificate cannot be obtained, the applicant shall redesign the number of lots based upon the allowable density. This will result in the reconfiguration and loss of lots.

Other Considerations:

1. The subdivision shall conform to K.C.C. 16.82 relating to grading on private property.
2. Development of the subject property may require registration with the Washington State Department of Licensing, Real Estate Division.
3. Preliminary approval of this application does not limit the applicant's responsibility to obtain any required permit or license from the State or other regulatory body. This may include, but is not limited to the following:
 - a. Forest Practice Permit from the Washington State Department of Natural Resources.
 - b. National Pollutant Discharge Elimination System (NPDES) Permit from the Washington State Department of Ecology.

DATED January 21, 2020.



Alison Moss
Hearing Examiner pro tem

NOTICE OF RIGHT TO APPEAL

A person appeals this Examiner decision by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD). Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal. KCC 20.22.230 also requires that the appellant provide copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner's decision.

Prior to the close of business (4:30 p.m.) on *February 14, 2020*, an electronic copy of the appeal statement must be sent to Clerk.Council@kingcounty.gov and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. If the Office of the

Clerk is not officially open on the specified closing date, delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

Unless both a timely and sufficient appeal statement and filing fee are filed by *February 14, 2020*, the Examiner’s decision becomes final.

If both a timely and sufficient appeal statement and filing fee are filed by *February 14, 2020*, the Examiner will notify all parties and interested persons and provide information about “next steps.”

**MINUTES OF THE JANUARY 9, 2020, HEARING ON
PLAT APPLICATION, STAFFORD MEADOWS, NO. PLAT180008,
PROPOSED ORDINANCE NO. 2019-0466**

Alison Moss was the Hearing Examiner in this matter. Participating in the hearing were Kevin LeClair, Robert Eichelsdoerfer, John Everett, Irene Bymers, Duana Kolouskova, Roger Smythe, Irene Bymers, Brandon Louks, and Deborah Crow.

The following exhibits were offered and entered into the hearing record:

- | | |
|----------------|---|
| Exhibit no. 1 | Department of Local Services, Stafford Meadows, file no. PLAT180008 |
| Exhibit no. 2 | Preliminary department report, transmitted to the Examiner on December 10, 2019 |
| Exhibit no. 3 | Land use permit application, dated August 6, 2018 |
| Exhibit no. 4 | Revised State Environmental Policy Act (SEPA) checklist, dated March 28, 2019 |
| Exhibit no. 5 | SEPA threshold determination of non-significance, issued October 28, 2019 |
| Exhibit no. 6 | Affidavit of posting notice of plat application, posted on September 10, 2018 |
| Exhibit no. 7 | Notice of application, mailed on September 11, 2018 |
| Exhibit no. 8 | Revised preliminary plat map and labeled lot layout, dated July 16, 2019 |
| Exhibit no. 9 | Revised Preliminary Technical Information Report, dated December 7, 2018 |
| Exhibit no. 10 | Subdivision Density and Dimension Calculations Worksheet, dated August 6, 2018 |
| Exhibit no. 11 | School Walkways Analysis, dated August 6, 2018 |
| Exhibit no. 12 | Updated Chicago Title Insurance Guarantees, dated March 28, 2018 |
| Exhibit no. 13 | Certificate of water availability by Highline Water District, dated August 6, 2018 |
| Exhibit no. 14 | Certificate of Sewer Availability by Lakehaven Water and Sewer District, dated August 6, 2018 |

- Exhibit no. 15 Critical Areas Delineation and Rating Report, dated August 6, 2018 and prepared by Habitat Technologies, dated June 24, 2018
- Exhibit no. 16 Geotechnical Report by Earth Solutions NW, LLC, dated August 6, 2018
- Exhibit no. 17 Plan Review and Response to Comments by Earth Solutions NW, LLC, dated December 7, 2018
- Exhibit no. 18 Transfer of Development Right (TDR) Purchase and Sale Agreement, dated November 17, 2019
- Exhibit no. 19 Email, SEPA comment from Katelynn Piazza, Washington State Department of Ecology, dated November 5, 2019
- Exhibit no. 20 Letter from Federal Way Public Schools, submitted by John Everett on January 9, 2020
- Exhibit no. 21 Safe school walking maps, submitted by Duana Kolouskova on January 9, 2020
- Exhibit no. 22 Geotechnical Evaluation by Earth Solutions NW LLC, submitted by John Everett on January 9, 2020
- Exhibit no. 23 Email from Roger Smythe, dated December 9, 2019
- Exhibit no. 24 Photographs of wildlife, submitted by Deborah Crow on January 9, 2020

AM/jo

January 21, 2020

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
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Seattle, Washington 98104
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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **PLAT180008**
Proposed ordinance no.: **2019-0466**

STAFFORD MEADOWS
Preliminary Plat Application

I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND DECISION** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED January 21, 2020.



Jessica Oscoy
Legislative Secretary

Archuleta, Wally
Department of Local Services

Bardales, Josue
Hardcopy

Bloom, Stacia

Bymers, Irene/Richard
Hardcopy

Carlson, Joanne
Department of Local Services

Craig, Cristy
Prosecuting Attorney's Office

Crow, Deborah
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